

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Municipal Administration and Urban Development Department – Greater Hyderabad Municipal Corporation – W.P.No.24426/1999, dated 25.8.2008 – Filling up the post of Assistant City Planners with Assistant Town Planning Supervisors and Assistants of Greater Hyderabad Municipal Corporation as per the orders of Hon'ble High Court – Clarification – Orders - Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (F1) DEPARTMENT

G.O.Ms.No. 66

Dated:17.02.2011.

Read the following:-

1. G.O.Ms.No.612, MA&UD Dept., dated 19.5.1979.
2. G.O.Ms.No.439, MA&UD (F1) Dept., dated 20.10.1995.
3. Hon'ble APAT, Hyderabad, order in O.A.No 6458/97, dated 19.11.1999.
4. Govt. Memo. No.1083/B2/2005-2, MA&UD Department, dated 24.2.2005.
5. From the Hon'ble AP High Court, Hyderabad, order in W.P.No. 24426/99 dated 25.8.2008 read with orders dated 31.10.2008.
6. Representation of General Secretary, GHMC Technical Staff Association, dated 10.03.2010.
7. From the Commissioner, GHMC, Hyderabad, Letter No. 221/AC(A)/OP4/GHMC/10-696 dated 16.6.2010.
8. Govt. Memo. No.4788/F1/2010, MA&UD Department, dated 12.8.2010.
9. From the Government Pleader for Services, A.P. High Court Lr.No.WP.No.24426/1999/GP.Ser.1/PNR/10, dated 30.11.2010.

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ORDER:

In G.O.Ms.No.612 MA, Housing, Municipal Administration and Urban Development Department, dated 19.05.1979, orders were issued directing that 50% of the posts of Assistant City Planners and Assistant Town Planners of Municipal Corporation of Hyderabad be de-cadred as posts belonging to the Municipal Corporation of Hyderabad Services and be made available exclusively for appointment of Corporation Employees by transfer. The Municipal Corporation of Hyderabad Town Planning Technical Staff Association represented by its President has filed O.A.No.6458/97 in the Hon'ble A.P.A.T. to enforce statutory rules and fill up the posts strictly in accordance with the rules issued in G.O.Ms.No.439, M.A. dated:20-10-1995 by repatriating the deputationists drafted from the Town Planning Department to the Corporation. The Hon'ble A.P.A.T. in its order in O.A.No.6458/97 dated 19.11.1999 directed the first respondent (Government) to take appropriate decision to withdraw the deputationists drafted from the Town Planning Department to the Corporation in view of the issue of special rules for the Hyderabad Municipal Corporation Town Planning Service as expeditiously as possible. A review petition Rev. M.A.No.3256/99 dated 25.08.2008 filed against the above order was dismissed by the Hon'ble A.P.A.T. in its order dated:03-03-2005.

2. Consequent to the A.P.A.T. orders, dated:19-11-1999 in O.A. No.6458/1997 and interim orders of Hon'ble A.P.A.T. dt.7-1-2005 in O.A.No.103/2005 filed by MCH Town Planning Technical Staff Association, and after considering the report of the Commissioner, Greater Hyderabad Municipal Corporation, letter dated:18-01-2005, Government have issued instructions in Memo.No.1083/B2/05-2, MA&UD Department dated 24.02.2005 directing the Commissioner Municipal Corporation of Hyderabad and Director, Town and Country Planning, Hyderabad to continue the existing ratio to 50:50 between the employees of Municipal Corporation of Hyderabad / State Services (DT & CP) in filling up the vacancies of Assistant City Planners in Municipal Corporation Hyderabad till the out come of the cases which are pending in the Hon'ble High Court of Andhra Pradesh.

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3. In the meanwhile, the President, A.P. Town and Country Planning Technical Employees Association has filed the Writ Petition in the Hon'ble High Court against the order dated:19-11-1999 passed in O.A.No.6458/1997 by the A.P.A.T. and also G.O.Ms.No.439, dated 20.10.1995. The Hon'ble High Court in its order in W.P.No.24426/99 dated 25.08.2008 read with orders dated 31.10.2008 held that if the members of the first respondent Municipal Corporation of Hyderabad Town Planning Technical Staff Association are working in the Municipal Corporation of Hyderabad on the cadre strength of the A.P. Town Planning Service, as the posts are State Civil Posts, they shall not be disturbed. The remaining Staff of the first petitioners working on deputation basis be repatriated to their parent department and also made it clear that they have not said anything on the merits or otherwise on G.O.Ms.No.612, dated:19-05-1979 and G.O.Ms.No.439, Dated:20-10-1995.

4. In the reference 7th read above, the Commissioner, Greater Hyderabad Municipal Corporation has requested the Government to issue appropriate orders in the matter for taking further action. Therefore, in the reference 8th read above, Government have addressed the Government Pleader for Services, High Court of Andhra Pradesh for his opinion.

5. In the reference 9th read above, the Government Pleader for Services-I, High Court of AP., has informed that Assistant City Planner is included at Sl.No.18 of Schedule 'C' of the Greater Hyderabad Municipal Corporation Act, 1965. The posts included in Schedule 'C' are treated as State Service posts and Government is the appointing authority. Conceding the request of employees belonging to the service of Hyderabad Municipal Corporation, initially 33.5% posts of Assistant City Planner were decadred and earmarked exclusively to the service of MCH (GHMC). This was subsequently enhanced to 50%. To the extent of decadred posts of Assistant City Planner, separate rules framed in exercise of powers vested in S.585(1) of HMC Act, 1955 and they are applicable only to decadred posts.

6. Further, the Government Pleader has opined that, the purport of the order of Hon'ble High Court is that State Government employees are entitled to continue to the extent of 50% of cadre posts covered by Section 130. If there are Assistant City Planners belonging to State Government service and continuing in GHMC in excess of 50% of the cadre of Assistant City Planner, they should be repatriated to parent Department as these posts belong to GHMC service.

7. Government after careful consideration of the matter hereby issue the following orders:-

"50% of the posts of Assistant City Planner in Greater Hyderabad Municipal Corporation will be filled by deputation of the State Government employees and 50% of posts will be filled by promotion from the posts of Town Planning Assistants and Supervisors of Town Planning Branch belonging to the Greater Hyderabad Municipal Corporation. If the State Government employees are continuing in Greater Hyderabad Municipal Corporation in excess of 50% of the cadre of Assistant City Planner, they should be repatriated to parent Department as these posts belong to Greater Hyderabad Municipal Corporation service.

8. The Commissioner, GHMC, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.Vijay Kumar,
Secretary to Government.**

To

The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad

Copy to:

The Government Pleader for Services-I, High Court of AP., Hyderabad.

Law (A) Department,

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER